

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

TELECONFERENCE

CHAMBERS 9W - Minneapolis

COURT MINUTES

Case Number: 15-md-2666 JNE/FLN

IN RE: Bair Hugger Forced Air Warming
Devices Products Liability Litigation

Date:	June 27, 2018
Court Reporter:	n/a
Time Commenced:	3:00 p.m.
Time Concluded:	3:45 p.m.
Time in Court:	45 Minutes

Teleconference before Franklin L. Noel, United States Magistrate Judge, at Minneapolis, Minnesota.

APPEARANCES:

For Plaintiff:	<u>Genevieve Zimmerman; Gabriel Assad; Brett Emison; Tricia Campbell</u>
For Defendant:	<u>Ben Hulse; Peter Gross; Bridget Ahmann</u>

The court held a conference call with counsel to discuss three issues the parties had raised via e-mail (e-mail to FLN from Genevieve Zimmerman 6/25/2018; 5:06 PM) and letter (Letter to FLN from Benjamin Hulse dated June 25, 2018 ECF # 1305). Also present was Magistrate Judge David Schultz, who will be succeeding Magistrate Judge Noel as the magistrate judge assigned to this MDL. The three issues were:

1. Whether to postpone or place a time limit on a deposition scheduled for Thursday, June 28, of a Dr. Smith, one of Plaintiff Axline's treating physicians;
2. Whether to adjust the case specific scheduling order for the Bellwethers Second (ECF # 1188; filed 4/4/18);
3. Whether Plaintiff Partlow should be required to sign a medical records authorization that conforms to the medical records authorization jointly recommended by the parties and adopted by the Court as Exhibit B to Pretrial Order No. 14 (ECF # 117-2).

Having heard counsel from both sides, the Court concluded that the parties should:

1. Proceed with the deposition of Dr. Smith as scheduled, Thursday June 28, and limit themselves to 1 and 1/2 hours;

2. Enter a stipulation to adjust the case specific scheduling order for the Bellwethers Second (ECF # 1188) as follows:

Paragraph 1. b. (Joint Nominees case specific fact discovery closes) August 1, 2018;

Paragraph 1.c. (Plaintiffs' and Defendants' Nominees, case specific fact discovery closes) September 1, 2018;

Paragraph 4. a. (Initial expert reports and disclosures of the identity of expert witnesses under Rule 26(a)(2)) August 10, 2018;

Paragraph 4. b. (Rebuttal expert reports and disclosures of the identity of rebuttal expert witnesses) August 31, 2018;

Paragraph 4. c. (Depositions of expert witnesses) October 2, 2018;

Paragraph 5. a. (Case-specific Daubert dispositive motions) October 8, 2018;

Paragraph 5. b.- d (abbreviated briefing and hearing schedule for case-specific Daubert dispositive motions)

Paragraph 6. Joint Nominee must be trial-ready on December 3, 2018, and by September 5, 2018, the parties must propose:

Which Joint Nominee will be trial ready on December 3, and when the other Joint Nominee will be trial-ready.

3. Plaintiff Partlow should sign the medical authorization that conforms to Exhibit B to Pretrial Order No. 14 (ECF # 117-2) by July 9, 2018 or by that same date, make a motion for a protective order setting forth reasons why the form should be modified for use by Plaintiff Partlow.

s/Franklin L. Noel
U. S. Magistrate Judge